

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RAEGAN DANIELS-GLYNN,
Plaintiff,

Case No. 1:11-cv-679
Spiegel, J.
Litkovitz, M.J.

vs.

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

REPORT AND RECOMMENDATION

On March 9, 2012, the Court ordered plaintiff to show cause in writing, within twenty (20) days why her complaint should not be dismissed for lack of prosecution due to her failure to promptly inform the Court of any changes in plaintiff's address that may occur during the pendency of this lawsuit. (Doc. 12). A certified copy of that Order was mailed to plaintiff, and returned to the Court on April 2, 2012 by the United States Postal Service marked as "Return to sender-Unclaimed". (Doc. 13).

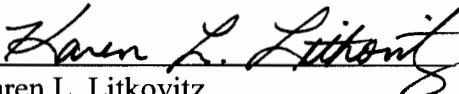
To date, plaintiff has failed to comply with the Magistrate Judges' General Order Concerning Social Security Appeals (Doc. 11), and with the Order to show cause why this Court should not dismiss this case for lack of prosecution. Accordingly, dismissal is appropriate. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be **DISMISSED** with prejudice for lack of prosecution.
2. The Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of this Order would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. Plaintiff, a non-prisoner, remains free to apply to proceed *in forma pauperis* in the

Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

Date: 4/4/12


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO R&R

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to these proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of all parties may agree upon, or the Magistrate deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Raegan Daniels - Glynn
8226 South Legare Court
#113
West Chester, Ohio 45069

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A. Signature

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☒ Agent
☐ Addressee

B. Received by (Printed Name)

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D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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☒ Certified Mail ☐ Express Mail
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4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

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